

Seth Cameron [*house of Sundberg*]  
c/o Sara Haller, Notary Public acceptor  
1524 San Carlos Avenue # 3  
San Carlos , California 94070

THE UNITED STATES DISTRICT COURT  
DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

and

C SETH SUNDBERG,

CR 09-00928-1 JF and related  
Pre-Sentencing

ORDER TO SHOW CAUSE  
FOR DISCHARGE OF THE  
DEFENDANT

Comes now Seth Cameron; Sundberg as underwriter and surety for the Defendant herein,  
  
and having done full Bankers Acceptance on all Accusatory and Charging instruments  
  
on the Defendant herein, and having no evidence that said full Bankers Acceptance has  
  
not been accepted by this court for full discharge of all matters against the Defendant, and  
  
seeing no evidence that this court should not issue an ORDER, JUDGEMENT, and  
  
DECREE discharging the Defendant and this case, does hereby request that the UNITED

FILED  
FEB 18 2010  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE  
FILED  
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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

STATES OF AMERICA SHOWCAUSE why Defendant's charges for 26 USC 7206(1)

- Filing a False Return; Fraud and False Statement, 26 USC 7201 - Tax Evasion, and


18 USC 287 - False and Fraudulent Claims should not be discharged and SHOW

CAUSE why the Defendant's collateral (custody of the Defendant) should not be

discharged forthwith, is not purged, and Defendant is not entitled to discharge together

with Defendant's personal property FORTHWITH.

Dated this 17<sup>th</sup> day of February, 2010 AD

  
\_\_\_\_\_  
Authorized Representative

It is hereby certified, that on the date noted below, the undersigned Notary Public mailed to:

Aylin Raya, US Probation Officer  
c/o 280 S. First Street Suite 106  
San Jose, CA 95113-3003  
(

hereinafter, "Recipient," the documents and sundry papers pertaining to a certain Pre-Sentencing Probation Officer Investigation regarding SETH SUNDBERG as follows:

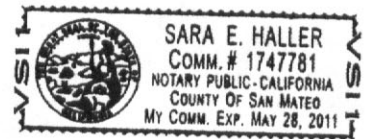
1. **CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE**, issued by Seth Cameron and dated February 17, 2010; and
2. **ORDER TO SHOW CAUSE** dated February 17, 2010; and
3. Reference copy of this **Notary's Certificate of Service** (signed original on file).

by Certified Mail No. 7009 0820 0001 5493 7753 Return Receipt attached by placing same in a postpaid envelope properly addressed to Recipient at the said address and depositing same at an official depository under the exclusive face and custody of the U.S. Postal Service within the State of California.

Sara E. Haller, Notary Public  
NOTARY PUBLIC

February 17, 2010  
DATE

(Seal)



My commission expires: May 28, 2011

(Stamp)

Sara Haller, Notary Public  
1524 San Carlos Avenue # 3  
San Carlos, California 94070

Cc: Clerk of Court – Mr Richard W. Wieking  
US Clerk Of Court  
280 South 1<sup>st</sup> Street  
San Jose Ca. 95113  
Certified # 7009 0820 0001 5493 8415

Jeff Schenk, Prosecutor  
150 S. Alameden, 9<sup>th</sup> Floor  
San Jose Ca. 95113  
Certified # 7009 0820 0001 5493 7760

Manuel Urquidez Aldapa Araujo  
Attorney  
160 W. Santa Clara St  
San Jose Ca. 95113

**CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE**

Seth Cameron [*family of sundberg*]  
c/o Sara Haller, Notary Public  
1524 San Carlos Avenue # 3  
San Carlos, California 94070

Certified Mail # 7009 0820 001 5493 7753

January 27, 2010 Nunc Pro Tunc

Aylin Raya, US Probation Officer  
c/o 280 S. First Street, Suite 106  
San Jose, CA 95113-3003  
(408) 535-5215

Re: Pre-Sentencing Probation Officer Investigation

Dear Mr./Ms. Aylin Raya:

I am in receipt of the Pre-Sentencing Notice concerning Case # CR 09-00928-1 JF dated January 25, 2010 which was received on or about the 29 day of January, 2010, a copy of which is enclosed. I Conditionally Accept your offer upon proof of claim that, it is relevant considering the setoff, settlement, and closure that is already tendered to the court. I am appointing you, Aylin Raya, U.S. Probation Officer, as the Constructive Trustee to resolve this matter and take it back to the court:

1) I want you to cause the court to take notice that there is a Banker's Acceptance (Underwriter's signature) on the face of the original charging instrument for setoff, settlement, and closure. I hereby give you the accounting right now to present to the court, and upon proof of claim that those instruments tendered to the Chief Financial Officer (hereinafter "CFO") of the court would not provide the CFO the remedy with respect to this commercial matter.

2) And upon proof of claim that there is not tendered to the court a Bond (private \$300,000,000.00 bond under account # D12345678, hereinafter, referred to as BOND) sufficient to cover all costs and expenses associated with this Case and that said BOND is not sufficient to Set at Liberty the collateral (SETH SUNDBERG) pending final setoff, settlement, and closure of this matter.

3) If the court comes back and informs you that there is something about the Banker's Acceptance and the BOND that is either incomplete or insufficient for Setoff, Settlement, and Closure, please let the Undersigned know and the Undersigned will correct the said instrument(s) to perfect full setoff, settlement and closure of this matter, Nunc Pro Tunc.

Mr./Ms. Raya, you have thirty (30) days from receipt of this Conditional Acceptance to respond by carrying out the above fiduciary duties and returning to the Undersigned a receipt indicating setoff,



settlement, and closure of the matter and discharge of the case and the Defendant liability to the court; or to respond on a point-by-point basis, via sworn affidavit, under your full commercial liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading. Mere declarations are an insufficient response. If an extension of time is needed to properly answer, please request it in writing. Failure to respond will be deemed agreement with the facts stated in the attached Affidavit and an inability to prove your claim, thereby indicating that the Bankers Acceptance that appears on the Original Charging Instrument and the Bond tendered to the court are sufficient to fully setoff, settle and close this matter and that they are true, correct, and complete.

This letter constitutes constructive notice to the recipient.

Sincerely,



Authorized Representative

**Please direct responses to third party public witness:**

Seth Sundberg  
c/o Sara Haller, Notary Public  
1524 San Carlos Avenue # 3  
San Carlos, California 94070

Cc: Prosecutor – Mr Jeff Schenk  
150 S Almaden , 9<sup>th</sup> floor  
San Jose Ca. 95113  
Certified # 7009 0820 0001 5493 7760

Clerk of Court – Mr Richard W. Wieking  
US Clerk Of Court  
280 South 1<sup>st</sup> Street  
San Jose Ca. 95113  
Certified # 7009 0820 0001 5493 8415

Manuel Urquidez Aldapa Araujo  
Attorney  
160 W. Santa Clara St  
San Jose Ca. 95113

## UNITED STATES DISTRICT COURT



### NORTHERN DISTRICT OF CALIFORNIA PROBATION OFFICE

Please reply to:  
280 S. First Street, Suite 106  
San Jose, CA 95113-3003  
TEL: (408) 535-5200  
FAX: (408) 535-5206

YADOR J. HARRELL  
CHIEF U.S. PROBATION OFFICER

450 Golden Gate Avenue  
Suite 17-6884 ; P.O. Box 36057  
San Francisco, CA 94102-3487  
TEL (415) 436-7540  
FAX (415) 436-7572

January 25, 2010

Seth Sundberg  
870 Sunset Drive  
San Carlos, CA 94044

Re: Seth C. Sundberg  
Docket No.: CR 09-00928-1 JF

Dear Mr. Sundberg:

I have been assigned to conduct the presentence investigation regarding the above-referenced defendant. Pursuant to Crim.L.R. 32-3(c), any material you wish the probation officer to consider for purposes of the proposed presentence report shall be submitted to the probation officer at least 45 days before the date set for sentencing. The party shall serve a copy of the material on opposing counsel, except for material already in the possession of opposing counsel.

Pursuant to Crim.L.R. 32-4(a) and (b), the presentence report shall be completed and disclosed to all parties at least 35 days before the date set for sentencing. Within 10 days after the proposed presentence report has been furnished, a party shall deliver to the Probation Officer and to opposing counsel a written response to the proposed presentence report which shall comply with Crim. L.R. 32-4(c). Pursuant to Crim. L.R. 32-4(c)(1), if a party does not object to factual statements or computations of offense level under the guidelines of the United States Sentencing Commission, the party shall notify the Probation Officer in writing that the party has no objections. Pursuant to Crim. L.R. 32-4(d), if the response of a party contains objections, the party shall attend any meeting called by the Probation Officer. If the presence of a party or parties is not feasible, the Probation Officer may conduct the conference telephonically.

Pursuant to Crim.L.R. 32-5(a), at least 14 days before the date set for sentencing, the final presentence report, including the addendum and recommendation, shall be disclosed to all parties and the court.

I will be contacting you to schedule an interview with the defendant. Should you wish to speak with me, please call me at the number below. Your assistance in this matter is appreciated.

Sincerely,

*Aylin Raya*  
Aylin Raya  
U.S. Probation Officer  
(408) 535-5215

msc

NDC-PSR-011 05/29/07